

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

KENNETH WAGNER)

Cr. No. 03-10363-RWZ

**KENNETH WAGNER'S MOTION FOR MODIFICATION
OF BAIL TERMS**

Now Comes defendant, Kenneth Wagner, who respectfully moves this Court to modify the terms of his bail by permitting him to sell his home and move out of state. In support of this request, defendant states the following:

1. Mr. Wagner is charged with violating Title 18 U.S.C. Section 1001 by making false statements in his medical certification while employed with the Federal Aviation Administration.

2. He was released on personal recognizance after he voluntarily appeared for his arraignment on the instant indictment pursuant to a summons. He is presently unsupervised by Pre-Trial Services.

3. As a result of the instant indictment, Mr. Wagner has been placed on indefinite leave by the FAA without pay. While his wife is employed, her income is insufficient to pay their present mortgage and living expenses for much longer.

4. Consequently, Mr. Wagner needs to sell his home in

Massachusetts and move to an area of the country where the cost of living and housing is less onerous.

5. Also, as Mr. Wagner has been working for the FAA for the last 18 years as a flight controller, his skill set and ability to find a well paying job are rather limited. Consequently, he needs to move to a state where the job market is more vibrant than it is in Massachusetts.

6. Mr. Wagner has not decided where he will move to because he is not sure where he can find an affordable home and a job at the same time.

7. He would like to sell his home and get permission from this Court to move out of state. Consequently, he needs this Court to modify his conditions of release as follows:

a. Permit Mr. Wagner to move out of state once he has found a new residence.

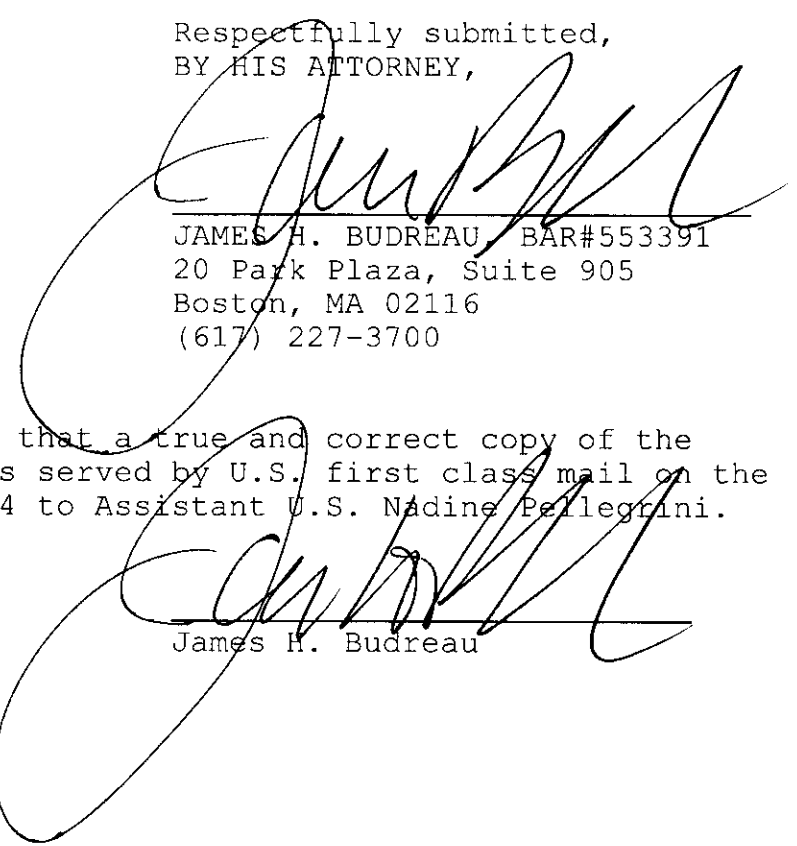
b. Require Mr. Wagner to provide Pre-Trial Services with his new address within 48 hours of moving to his new residence.

c. Require Mr. Wagner to provide Pre-trial Services with the name of his employer within a reasonable time of obtaining a new job.

d. Have Pre-Trial Services, at their discretion, transfer their oversight of Mr. Wagner to the U.S. Pre-Trial Services Office closest to his new residence.

Wherefore, defendant moves this Court to grant his requests for modification of bail as outlined in Paragraphs 7 a-d above.

Respectfully submitted,
BY HIS ATTORNEY,



JAMES H. BUDREAU BAR#553391
20 Park Plaza, Suite 905
Boston, MA 02116
(617) 227-3700

I hereby certify that a true and correct copy of the foregoing document was served by U.S. first class mail on the 12th day of March 2004 to Assistant U.S. Nadine Pellegrini.



James H. Budreau

EXHIBIT A

JAMES H. BUDREAU
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FILED
CLERK'S OFFICE
MAR 15 PM 12:17
DISTRICT COURT
DISTRICT OF MASS.

March 12, 2004

Clerk's Office
United States District Court
One Courthouse Way
Boston, MA 02210

Re: United States v. Kenneth Wagner, Dkt# 03-10364-RWZ

Dear Sir/Madam:

Please find enclosed for filing defendant Kenneth Wagner's
Motion for Modification of Bail Terms.

Sincerely,

James Budreau

